

City Council Agenda

Council President

Mike Dages

Councilmembers

Tom Boyajian
Brian Calhoun
Jerry Duncan
City Manager
Daniel G. Hobbs

City Clerk
**Rebecca E.
Klisch, CMC**

Henry T. Perea
Cynthia Sterling
Larry Westerlund
City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

January 11, 2005

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. – 4:30 p.m. and Channel 14 beginning at 8:30 p.m.

8:30 A.M. ROLL CALL

Invocation by Pastor Laurence Hill

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Presentation of the SPCA Pet of the Month – Councilmember Boyajian

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of January 4, 2005

Action Taken:

Councilmembers Reports and Comments

Action Taken:

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.)

- A. **RESOLUTION** - Of intention to annex Final Tract No. 4544 to the City of Fresno Community Facilities District No. 2, Annexation No. 89, and setting the hearing for February 15, 2005, at 10:10 a.m. – Public Works Dept.
Action Taken:
- B. **RESOLUTION** - Of intention to annex Final Tract No. 5259 to the City of Fresno Community Facilities District No. 2, Annexation No. 87, and setting the hearing for February 15, 2005, at 10:05 a.m. – Public Works Dept.
Action Taken:
- C. **RESOLUTION** - Of intention to annex Final Tract No. 5265 to the City of Fresno Community Facilities District No. 2, Annexation No. 86 and setting the hearing for February 15, 2005, at 10:00 a.m. – Public Works Dept.
Action Taken:
- D. **RESOLUTION** – Authorizing submittal of application to acquire surplus federal property through the U.S. Department of Interior National Park Service, property located at 2021 S. Peach Avenue, south of Butler – PR&CS
Action Taken:
- E. Adopt the Memorandum of Understanding (MOU) between the City and the City of Fresno Professional Employees Association (CFPEA), Unit 13, covering the period of July 1, 2004 through June 30, 2006 – Personnel Dept.
Action Taken:
- F. **RESOLUTION** - Approve application for and acceptance of grant award for \$40,500 from the State Office of Emergency Services (OES), through the County of Fresno, and authorize the Fire Chief to complete all required documents – Fire Dept.
Action Taken:
1. * **RESOLUTION** – 55th amendment to AAR No. 2004-209 appropriating \$40,500 from the Homeland Security Grant to the Fire Dept. to provide hazardous materials technician training
(Requires 5 affirmative votes)
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- G. **RESOLUTION** – Authorizing an application to the California Integrated Waste Management Board for a local government waste tire clean-up grant and authorizing the Planning and Development Dept. Director to sign on behalf of the City – Planning and Development Dept.

Action Taken:

- H. **RESOLUTION** – Approving the transfer of contingency appropriations from the Council support budget to the Council District 5 budget for the duties of the Council President and Executive Analyst to the Council – Finance Dept.

Action Taken:

1. **RESOLUTION** – 14th amendment to PAR No. 2004-210 to reallocate the Executive Analyst position from Council District 4 Office to Council District 5 Office

Action Taken:

- I. **RESOLUTION** - Affirming the Non-Discrimination Policy of the City of Fresno – Public Works Dept.

Action Taken:

2. **GENERAL ADMINISTRATION**

- A. Approve appointment of a member representing the City of Fresno to the Fresno County Transportation Authority - City Clerk's Office

Action Taken:

3. **CITY COUNCIL**

- A. * **BILL NO. B-141 – (Intro/ 12/14/2004) (For adoption)** - Amending the Fresno Municipal Code relating to utilization of apprentices by contractors on certain Public Works improvement projects

Action Taken:

- B. Consideration of Compensation for Elective Officers

1. **BILL – (For Introduction) (Alternative A)** - Repealing Ordinance No. 2000-49, adds a one time \$10,000 increase to compensation of Councilmembers and Mayor, and adopts the CPI for making biennial adjustments

Action Taken:

2. **BILL – (For Introduction) (Alternative B)** - Repealing Ordinance No. 2000-49, adds a one time \$10,000 increase to compensation of Councilmembers, and adopts the CPI for making biennial adjustments to the compensation of elective officers

Action Taken:

3. **BILL – (For Introduction) (Alternative C)** - Amending Section 5 of Ordinance No. 2000-49 by adopting the CPI as the method for making biennial adjustments to the compensation for elective officers

Action Taken:

- C. Discussion and approval of a dedication plaque for the newly renovated, historic Santa Fe Depot - Councilmember Sterling

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00A.M.

PUBLIC COMMENT PERIOD – No Council action except to place on future agenda. Presentation limited to three (3) minutes:

- A. **SCHEDULED COMMUNICATION**

- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:00 A.M. – 10:15 A.M. RECESS

10:15 A.M. HEARING to consider Rezone Application No. R-04-60, and environmental findings, filed by Douglas Dunbar and Wallace Barthuli, pertaining to 9.85 acres of property located on the northeast corner of E. North and S. Orange Avenues (***Property located in District 3***) – Planning and Development Dept.

Action Taken:

a. Consider and adopt the environmental finding of Environmental Assessment No. R-04-60/TPM-2003-33, dated September 17, 2004, that the project proposed conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR 10130)

Action Taken:

b. **BILL** – Amending the Official Zone Map to rezone the subject property from the M-1 (*Light Industrial*) zone district to the M-3 (*Heavy Industrial*) zone district

Action Taken:

10:30 A.M. CONTINUED HEARING to consider the adoption of a resolution to vacate a portion of N. Marks Avenue south of Freeway 99 and authorizing and directing the Public Works Director to execute quitclaim deeds so that fee title to the vacated areas shall pass to Central Valley RV Outlet – Public Works Dept.

Action Taken:

a. * **RESOLUTION** – Ordering the vacation of a portion of N. Marks Avenue south of Freeway 99 and authorizing and directing the Public Works Director of the City to execute quitclaim deeds so that fee title to the vacated areas shall pass to Central Valley RV Outlet

Action Taken:

10:35 A.M. Direct staff to return to Council with an implementation plan to complete the Eaton Plaza Master Plan within the next two years to include a funding strategy - Councilmembers Calhoun and Sterling

Action Taken:

11:00 A.M. JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of December 14, 2004 and January 4, 2005

Action Taken:

A. **CONTINUED HEARING** to consider adoption of a resolution approving Five-Year Redevelopment Implementation Plans for four (4) development project areas

Action Taken:

1. **RESOLUTION** - Approving the Five-Year Redevelopment Implementation Plans for the Airport Area Revitalization Redevelopment Area; the Central City Commercial Revitalization Redevelopment Area; the South Fresno Industrial Redevelopment Area; and the Southeast Fresno Revitalization Redevelopment Area (***Agency action***)

Action Taken:

ADJOURN AGENCY

2:00 P.M. #1 CONTESTED CONSENT CALENDAR

2:00 P.M.#2 CLOSED SESSION

A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**

Government Code Section 54956.9, subdivision (a)

1. **Case Name:** Raquel Guerra v. City of Fresno
2. **Case Name:** Patriot Homes – Fresno v. City of Fresno
3. **Case Name:** City of Fresno v. Gerald Grudzen
4. **Case Name:** Bakman Water Company (“Bakman”) v. City of Fresno, et al.

Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

2:00 P.M.#3 CLOSED SESSION ANNOUNCEMENTS (IF ANY)

- 2:30 P.M.** **HEARING** to consider Rezone Application No. R-04-72, and environmental findings, filed by David McMurry, pertaining to 1.6 acres of property located on the southeast corner of W. Thomas and N. Weber Avenues (***Property located in District 3***) – Planning and Development Dept.
Action Taken:
- a. Consider and adopt the environmental finding of Environmental Assessment No. R-04-72/C-04-125/T-5394, dated October 14, 2004, that the project proposed conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR No. 10130)
Action Taken:
 - b. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-1 (*Single Family Residential*) zone district to the R-2 (*Low Density Multiple Family Residential*) zone district
Action Taken:
- 2:45 P.M.** **RESOLUTION** - In support of the Unitarian Universalist Church of Fresno's plan to build a church using green policies – Councilmember Perea
Action Taken:
- 3:15 P.M.** Presentation by Historic Preservation Commission of Fiscal Year 2003-2004 Public Report, "State of Historic Preservation Annual Report" – Planning and Development Dept.
Action Taken:
- 5:00 P.M.** **HEARING** to consider the "Emerald Estates" Condominium Conversion Application and Vesting Tentative Tract Map No. 5342, filed by United Development Group, Inc., pertaining to 4.54 acres of R-3 (Medium Density Multiple Family Residential) zoned property located on the west side of S. First Street between E. Platt Avenue and E. Tulare Street (***Property located in District 3***) – Planning and Development Dept.
Action Taken:
- a. Consider and adopt Categorical Exemption for Environmental Assessment No. T-5342
Action Taken:
 - b. **RESOLUTION** – Approving Vesting Tentative Tract Map No. 5342 proposing the creation of a one common lot condominium map; and the conversion of the "Emerald Estates" multiple family apartment complex into a condominium project
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

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| Jan. | 18 - | NO MEETING – MARTIN LUTHER KING DAY |
| Jan. | 25 - | 10:00 A.M. CONTINUED HEARING regarding Community Facilities District No. 2, Annexation No. 85, Parcel Map No. 03-24 – Public Works Dept. |
| Jan. | 25 - | 10:30 A.M. Presentation of check by PG&E for the Municipal Service Center Solar Energy Project – General Services Dept. |
| Jan. | 25 - | 9:00 A.M. Item coming from the Mayor's Office (1/2 hour) |
| Jan. | 25 - | 4:30 P.M. CONTINUE HEARING to consider Fresno City Planning Commission decision regarding Conditional Use Permit (CUP) Application No. C-02-226, and environmental findings, filed by Wilkins Enterprises |
| Feb. | 15 - | 10:00 A.M. HEARING re: CFD No. 2, Annexation No. 86, Final Tract Map No. 5265 |
| Feb. | 15 - | 10:05 A.M. HEARING re: CFD No. 2, Annexation No. 87, Final Tract Map No. 5259 |
| Feb. | 15 - | 10:10 A.M. HEARING re: CFD No. 2, Annexation No. 89, Final Tract Map No. 4544 |
| Feb. | 22 - | NO MEETING – PRESIDENT'S DAY |
| Mar. | 1 - | To be set WORKSHOP to consider implementation and use of traffic signal fees and implementation of new Community Facilities District (CFD) – Councilmember Dages |
| Mar. | 1 - | To be determined Trimester Plans |
- (Future workshops – dates to be determined)**
(June) WORKSHOP – Follow-up discussion regarding Caltrans discussion held 12/7/2004
WORKSHOP – Urban Forest